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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/778,154

02/05/2001

Seo Hong Yoo

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08/07/2006

072852.0117

EXAMINER

SHIBUYA, MARK LANCE

BAKER BOTTS L.L.P.  
PATENT DEPARTMENT  
98 SAN JACINTO BLVD., SUITE 1500  
AUSTIN, TX 78701-4039

ART UNIT

PAPER NUMBER

1639

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/778,154

Applicant(s)

YOO, SEO HONG

Examiner

Mark L. Shibuya

Art Unit

1639

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 17 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☒ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

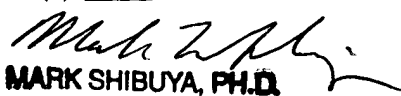
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None.  
Claim(s) objected to: 141.  
Claim(s) rejected: 138-140, 142-148.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
**MARK SHIBUYA, PH.D.**  
**PATENT EXAMINER**

Continuation of 3. NOTE: The proposed amendments to the claims after final rejection change the scope of the rejected claims, in that independent claims 138 and 148 are now drawn to a solution that is completely and absolutely free of precipitates or particles. The examiner respectfully submits that the applicant must point, with particularity, as to where in the specification as filed, support for the specific proposed claim amendment may be found. Also, the proposed amendment to claim 139 does not change the spelling of the amended word "form".

Continuation of 5. Applicant's reply has overcome the following rejection(s): Applicant's argument regarding the rejection of claims 138-141 under 35 USC 102(b) over each of the references of Panini et al., Wildauer and Ventura et al., is persuasive only as to Claim 141, in view of the definition given to the term "aqueous soluble starch conversion product", as found in the instant specification at page 22, line 3 et seq; and in view of the provided publications of, e.g., McNaught, as argued in the Remarks filed 7/17/06, at p. 6. For purposes of appeal, claim 141 would be objected to for depending from a rejected claim.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's traversals of the rejection of claim 138-141 under 35 USC 102(b) over Nakazawa et al.; the rejection of claims 138-147 under 35 USC 103(a) over the references of Nakazawa et al., and Acharya; and the rejection of claim 148 under 35 USC 103(a) over Nakazawa et al., and Vandelli, are not persuasive, at least because applicant's arguments are predicated upon the entering of the proposed amendments to claims after final rejection. As stated above, the said proposed claim amendments are not entered.

Applicant's argument regarding the rejection of claims 138-141 under 35 USC 102(b) over each of the references of Panini et al., Wildauer and Ventura et al., is persuasive only as to Claim 141, which would be objected to for depending on a rejected claim and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In so far as applicant traverses the said rejections of claims 138-140 under 35 USC 102(b) over each of the references of Panini et al., Wildauer and Ventura et al., as not teaching all elements of the claimed invention, because applicant has not distinctly and specifically pointed out the supposed errors in the rejection, applicant's arguments are not persuasive, at least for the reasons of record, as set forth in the Final rejection, mailed 5/17/2006.